

REMARKS

At the outset, the undersigned wishes to thank Exr. Bekerman for his time and courtesy during the recent telephone interview of February 19, 2009. As the Exr. will recall, it was agreed that the undersigned would amend the independent claims to recite that the plurality of compensation plans determine the compensation due to the affiliate at least in part according to measured traffic to the Web site that originates from the affiliate site and to incorporate, at the Exr.'s suggestion, recitations limiting the "measured traffic" to traffic that is greater than a traffic of one. This, as the Examiner will note, has been done and is discussed in detail below relative to the art rejections.

This Amendment is responsive to the Final Office Action mailed December 11, 2008.

In the Office Action, claims 1 and 47 were rejected under 35 U.S.C. §112(1), alleging that Applicant was not in full possession of the claimed embodiment at the time the application was filed.

The offending qualifier "only" has been removed from both claims 1 and 47. However, as the selected ones of the plurality of compensation plans are fewer in number than the defined plurality of different compensation plans and as it is the selected compensation plans that are exposed to the potential affiliate, the scope of the claim is not believed to be substantially affected. Reconsideration and withdrawal of these rejections is respectfully requested.

Claims 1, 5-9, 11, 12, 15, 26, 27, 29, 33-37, 39, 40, 47, 51-55, 57, 58, 61, 72, 73 and 75-77 were rejected as being anticipated by Bezos. Reconsideration and withdrawal of these rejections is respectfully requested.

The Office Action analogized Bezos' "product IDs" to the claimed "compensation plans". Therefore, to distinguish Bezos' product IDs from the claimed compensation plans, the claims have been amended to recite that each of the plurality of compensation plans determine "the compensation due to the affiliate at least in part according to measured traffic of at least one of new customers, returning customers and click-throughs to the merchant Web site from the affiliate Web site". Support for this amendment may be found, for example, in originally-filed claim 6 and throughout the specification. It is apparent that Bezos' product-IDs can no longer be considered to be compensation plans, within the meaning ascribed to such phrase in the claims, as product IDs cannot reasonably be considered to determine the compensation due to an affiliate according to traffic of new customers, returning customers and/or click throughs, as currently recited in the claims.

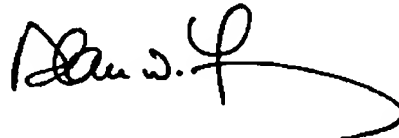
It is respectfully submitted that the Office's §102(b) rejection is predicated upon an interpretation wherein Bezos' product IDs each represent a "different way of being compensated, and therefore teach different compensation plans" (page 12) or "different forms of compensation" (page 13). It is respectfully submitted that the amendments to the claims as presented herewith no longer admit to such an interpretation and that the §102(b) rejection is, therefore, untenable. In view of the foregoing, reconsideration and withdrawal of the 35 U.S.C. §102(b) rejections applied to the claims are respectfully requested.

It is also respectfully submitted that **the present amendment is properly enterable after final rejection**. At the outset, the present amendment places this case in condition for allowance, as the independent claims distinguish the claimed embodiments over the only applied reference, as developed above. Moreover, the nature of the amendments to the independent

claims of the present application is such that no further search is required. Indeed, the amendments to the claims were drawn from recitations previously found in (previously considered and searched) dependent claims (e.g., claim 6). Thus, the amended independent claims have already been fully searched by the Examiner and no new search is required in response to this amendment. Any consideration required by the amendments to the independent claims could, therefore, hardly be called undue. Of course, the Examiner may wish to perform an updated search prior to allowing this application. However, such a search is not necessitated by the nature of the amendments to the claims presented herewith. Indeed, any further consideration that might be required is believed to be *de minimis*, as the present amendment is believed to place this application in condition for allowance without consideration of any new issues and/or subject matter. Therefore, the amendments to the independent claims are believed to be such as to merit allowance of this application without requiring Applicants to expend additional fees to refile and to again re-prosecute this application through the filing of an RCE.

Applicant believes that this application is now in condition for allowance. If any unresolved issues remain, please contact the undersigned attorney of record at the telephone number indicated below and whatever is necessary to resolve such issues will be done at once.

Respectfully submitted,



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By: _____

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